



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

FEB 14 2005

Stephanie Summers-O'Neal  
Stephanie Summers-O'Neal for U.S. Congress  
P. O. Box 5365  
Jackson, MS 39216-5365

RE: MUR 5432

Dear Ms. Summers-O'Neal:

On March 22, 2004, the Federal Election Commission notified Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, as treasurer, your principal campaign committee, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to the Committee at that time.

Upon further review of the allegations contained in the complaint, and information provided by you and the Committee, the Commission, on February 8, 2005, found that there is reason to believe Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, in her official capacity as treasurer, violated 2 U.S.C. § 441d, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Committee may submit any factual or legal materials that it believes are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved. If the Committee is interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if it agrees with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Dominique Dillenseger, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures  
Factual and Legal Analysis  
Conciliation Agreement

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Stephanie Summers-O'Neal for U.S. Congress and  
Deborah J. Thornton, in her official capacity  
as treasurer

**MUR: 5432**

**I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission by Bennie G. Thompson and based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(1)-(2).

**II. FACTUAL AND LEGAL ANALYSIS**

Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, as treasurer, ran television and radio advertisements featuring Stephanie Summers-O'Neal, a candidate for federal office in Mississippi in 2004, that did not comply with 2 U.S.C. § 441d. The advertisements contain a statement that the advertisement is paid for by the Committee and show the candidate speaking. The candidate also identifies herself but does not state that she has approved the communication. In addition, there is no written statement at the end of the television advertisement that identifies the candidate and states the candidate has approved the communication.

The subject advertisements ran in the Jackson, Mississippi metropolitan area in the three days preceding the March 9, 2004, primary election, airing 12 times on the WFMN radio station, 15 times on the WAPT television station, and 6 times on the WABG television station. Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, as treasurer, spent \$3,950 for the advertisements (\$700 for production, \$360 for radio, and \$2,890 for television).

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The Federal Election Campaign Act of 1971, as amended, requires that radio and television communications paid for or authorized by a candidate's principal campaign committee, include, *inter alia*, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication. 2 U.S.C. § 441d(d)(1); 11 C.F.R. § 110.11(c)(3). In television communications, the audio statement must be conveyed by either an unobscured, full-screen view of the candidate making the statement, or the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate. 2 U.S.C. § 441d(d)(1)(B)(i); 11 C.F.R. § 110.11(c)(3)(ii). The statement must also appear in writing at the end of the television communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least four seconds. 2 U.S.C. § 441d(d)(1)(B)(ii); 11 C.F.R. § 110.11(c)(3)(iii).

The subject advertisements did not include the required candidate statements. Therefore, there is reason to believe Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, in her official capacity as treasurer, violated 2 U.S.C. § 441d.